

Application No. 09/242,772  
Paper dated September 29, 2005  
In reply to USPTO correspondence of June 29, 2005  
Attorney Docket No. 3374-990278

### **REMARKS**

The Office Action dated June 29, 2005 has been reviewed and the Examiner's comments carefully considered.

Claims 56-58 have been canceled. Claims 54 and 55 have been amended. No new matter has been added. In view of these amendments and of the following remarks, Applicants believe that all the asserted rejections are in condition for withdrawal and all of pending claims 53-55 are in condition for allowance.

Applicants appreciate that the Examiner acknowledges the allowability of claim 53.

The Examiner asserts that claim 58 is directed to an invention that is independent or distinct from the invention originally examined and thus has withdrawn claim 58 from consideration. Claim 58 has been canceled without prejudice so that Applicants may file a divisional application containing the subject matter of claim 58 at a later time.

The Examiner states that the specification contains an impermissible embedded hyperlink. The specification has been amended to delete the hyperlink.

The specification is objected to for containing an unclear description of the invention. The Examiner asserts that there is a lack of antecedent basis for the recitation "PCR product of 605 bp." The specification has been amended to recite a "PCR product of 614 bp."

Claims 55-57 stand rejected under 35 U.S.C. 112, second paragraph, for purported indefiniteness. The Examiner asserts that in claim 55 it is unclear whether the isolated nucleic acid sequence containing exon 1 of CTNNB1 fused to exons 3 to 5 of PLAG1 consists of 509 base pairs in length; or the isolated nucleic acid sequence contains 509 base pairs from exon 1 of CTNNB1 that is fused to exons 3 to 5 of PLAG1. Claim 57 is assertedly indefinite for the analogous reason. Additionally, the Examiner asserts that claims 55 and 57 are indefinite because claims 54-57 refer to claims 54 as an "isolated nucleic acid" when claim 54 is drawn to an "isolated *hybrid* nucleic acid." The Examiner further asserts that claim 54 is indefinite because it is unclear what is meant by "a nucleic acid sequence comprised of a translocation partner of PLAG1."

Claims 54 and 55 have been amended to delete the recitation "a nucleic acid sequence comprised of a translocation partner of PLAG1."

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Claim 57 stands rejected under 35 U.S.C. 112, first paragraph, for purported lack of written description. Claim 57 has been canceled.

Claims 54 and 55 stand rejected under 35 U.S.C. 112, first paragraph for purported lack of written description and lack of enablement. Additionally, claims 54 and 55 stand rejected under 35 U.S.C. 102(b) for purported anticipation by Nollet et al. as evidenced by Takayama et al.

Applicants note that claim 56 is believed to have adequate written description, reasonable enablement, and to be free of the prior art. Accordingly, claim 54 has been amended to depend from allowed claim 53 and to recite the limitations of claim 56. Additionally, claim 55 has been amended to depend from allowed claim 53 and to recite those portions of claim 57 deemed to have adequate written description, reasonable enablement, and to be free of the prior art. Claim 55 also has been amended to recite an isolated hybrid nucleic acid sequence in which the isolated hybrid nucleic acid sequence contains 614 base pairs, and thus corrects the asserted indefiniteness and lack of written description of canceled claim 57.

Based on the foregoing amendments and remarks, claims 54 and 55 are now in condition for allowance. Withdrawal of the asserted rejections and allowance of all pending claims 53-55 are respectfully requested.

Respectfully submitted,

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